

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CRIMINAL MINUTES - RULE 32.1 INITIAL APPEARANCE  
(Probation/Supervised Release Revocation)**

Case No.: 7:02CR000127-001

Date: 11/7/2013

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**Defendant: David Christopher Martin, custody**

**Counsel: none**

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PRESENT:	JUDGE:	Robert S. Ballou, USMJ	TIME IN COURT: see below
	Deputy Clerk:	R. Mills	
	Court Reporter:	R. Mills, FTR	
	U. S. Attorney:	Drew Bradylyons	
	USPO:	Jake Fletcher	
	Case Agent:	none	
	Interpreter:	none	

☒ Defendant arrested on warrant from Roanoke Division.

**RIGHTS:**

- ☒ Defendant advised of the alleged violation of probation/supervised release.  
☒ Defendant advised of right to retain counsel or to request that counsel be appointed by the court.  
☒ Defendant advised of right to preliminary hearing if held in custody (only if alleged violation occurred in this district).  
☐ Defendant advised of right to identity hearing (only if charges pending in another district).  
☒ Defendant advised of right to bond/detention hearing.

**COUNSEL:**

- ☐ Defendant present with counsel.  
☒ Defendant present without counsel.  
☒ Defendant requests appointment of counsel. Oral order appting. FPD.  
☒ Counsel appointed.

**IDENTITY (only for charges from another district):**

- ☐ Identity hearing held.  
☐ Identity hearing waived.\*

**PRELIMINARY HEARING:**

- ☐ Preliminary hearing held.  
☐ Probable cause found. Order will enter.  
☐ Probable cause not found. Order will enter dismissing.  
☐ Preliminary hearing waived.\*  
☐ Defendant requests preliminary hearing in prosecuting district (only for charges from another district).\*

**\*REMINDER:** FORM AO466 - WAIVER OF RULE 32.1 HEARING MUST BE COMPLETED AND SIGNED BY DEFENDANT

**RELEASE/DETENTION:**

- ☐ Defendant does not contest detention.
- ☐ Government moves for detention. Detention hearing held.
- ☐ Government does not oppose bond. Bond set at Amount, type, i.e., secured, unsecured, property, cash, corporate surety. See conditions below.
- ☐ Written Order of Commitment to Another District to enter (AO 94 - only for charges from another district).  
OR
- ☐ Written Order of Detention to enter.  
OR
- ☐ Written Conditions of Release/Bond to enter.
- ☐ Revocation hearing scheduled for date, time and place before presiding judge's name.

In addition to the standard conditions of release, the following special conditions of release are imposed:

- ☐ The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.
- ☐ The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.
- ☐ The defendant shall abstain from the excessive OR any use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- ☐ The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- ☐ The defendant shall submit to random drug and or alcohol testing as directed by the probation officer.
- ☐ The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.
- ☐ The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release.
- ☐ The defendant shall actively seek and/or maintain employment.
- ☐ The defendant shall maintain or commence an education program.
- ☐ The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.
- ☐ The defendant shall not associate with any known users/possessors of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used and/or distributed, unless approved by his/her supervising officer in cooperation with law enforcement officers.
- ☐ The defendant shall be placed on home detention subject to electronic monitoring and all residential absences must be approved in advance by the probation officer.
- ☐ The defendant shall continue in his/her current mental health OR substance abuse OR both counseling/treatment program at his/her own expense.
- ☐ The defendant shall allow the probation officer open communication with any treatment agencies or health care providers for the purpose of monitoring the defendant's compliance with all treatment requirements.
- ☐ Any animals on the premises of the defendant's residence must be restrained in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety.
- ☐ Defendant advised of penalties and sanctions for failure to appear and/or violating conditions of release.

**Additional Information:**

Deft. req. temp. cont. of prel. & dtn. hrgs. to appear w/ counsel. Hrgs. to be set. Deft. remanded.

Time in Court: IA: 2:38-2:43 (5 mins.)